

000269		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO		1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 336			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Development Services		3. DATE: 02/24 8/8/08			
4. SUBJECT: Laura Rodriguez Elementary School Public Right-of-Way And Easement Vacation							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) Morris Dye, x 65201, MS 501		6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Patrick Hooper, x 77992, MS 501		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>			
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST: No cost to the City. The applicant has deposited sufficient funds to cover associated project processing costs.			
DEPT.	1300						
ORGANIZATION	1671						
OBJECT ACCOUNT	4038						
JOB ORDER	422796						
C.I.P. NUMBER							
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	KELLY BROUGHTON	8/27/08	8	DEPUTY CHIEF	WILLIAM ANDERSON	8/28/08
2	DSD/EAS	MARSHALL HERRMAN	8/8/08	9			
3				10	CITY ATTORNEY	ADAM WHITMAN	10/24/08
4				11	ORIG. DEPT	MIKE WESTLAKE	8/8/08
5				DOCKET COORD: _____ COUNCIL LIAISON: _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION			
7				<input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
A resolution approving a vacation of a portion of Greely Avenue between 31 st Street and 32 nd Street, vacation of sewer, drainage, and general utility easements, and associated Parcel Map.							
11A. STAFF RECOMMENDATIONS: Approve the Resolution and Parcel Map.							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.) COUNCIL DISTRICT(S): 3 COMMUNITY AREA(S): Mid-Cities ENVIRONMENTAL IMPACT: This activity is covered under Final Edison/Hamilton/Parks Area Elementary School Environmental Impact Report SCH No. 2000101040 dated October 2002 certified by Board of Education on April 13, 2004, is adequately addressed in the environmental documents and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Section §15060(c)(3) and 15378(c). HOUSING IMPACT: None OTHER ISSUES: None							

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 8, 2008 REPORT NO.:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services Department
SUBJECT: Laura Rodriguez Elementary School Right-of-Way Vacation, Easement
Vacations and Parcel Map, PTS Project Number 8346
COUNCIL DISTRICT: 8
STAFF CONTACT: Morris Dye, (619) 446-5201, mdye@sandiego.gov

REQUESTED ACTION:

Approve the vacation of a portion of Greely Avenue between 31st street and 32nd street, vacation of sewer, drainage, and general utility easements, and approval of associated parcel map within the southeastern San Diego Community Plan area.

STAFF RECOMMENDATION:

APPROVE Public Right-of-Way Vacation No. 18106, Easement Vacation No. 562806 and Parcel Map No. 100835.

EXECUTIVE SUMMARY:

The school site is located west of Interstate 15, north of Interstate 5, south of Martin Avenue, and east of 31st Street, in the Southeastern San Diego Community Plan Area. The San Diego Unified School District has requested the vacations of the public Right-of-Way and associated easements to allow for construction of Laura Rodriguez Elementary School at this location. These public rights-of-way and easements are no longer required.

To approve the requested vacations, the following four findings must be made.

1. There is no present or prospective use for the purpose for which the right of way was originally acquired.
2. The public will benefit from the vacation through improved utilization of land.
3. The vacation is consistent with the General Plan or an approved Community Plan.
4. The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

City staff has confirmed that there is no present or prospective use for the right-of-way or easement for which they were originally acquired, and that no public use of a like nature is anticipated. The vacations would allow for construction of a school in an established neighborhood. In addition, new public improvements would be constructed around the school location. As such, the public would benefit from the vacation through improved utilization of the land. The Southeastern San Diego Community Plan identifies this area for an elementary school. As this proposed vacation would support the school at this

000272

location, the project is consistent with the community plan. City staff has determined that the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

FISCAL CONSIDERATIONS:

No cost to the city. The applicant has deposited sufficient funds to cover associated project processing costs.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

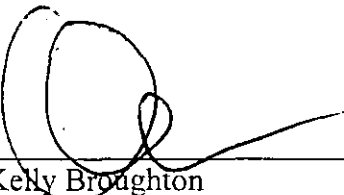
No previous City Council action.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

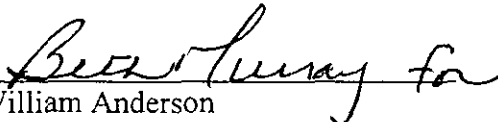
On September 9, 2005 the Southeastern San Diego Community Planning Group voted 12-0-0 in favor of the Right-of-Way and easements Vacations.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

San Diego Unified School District



Kelly Broughton
Director, Development Services
Department



William Anderson
Deputy Chief Operating Officer:
Executive Director of City Planning and
Development

PARCEL MAP NO.

SHEET 1 OF 3 SHEETS

000273

OWNER'S CERTIFICATE

WE, THE OWNERS OF OR ARE INTERESTED IN THE PROPERTY COVERED BY THIS MAP, HEREBY APPROVE SAID MAP AND THE FILING THEREOF.

WE HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, THE EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE CONSTRUCTION AND MAINTENANCE OF THE SEWER AND DRAINAGE FACILITIES ALL AS SHOWN ON THIS MAP WITHIN THIS PARCEL MAP DESIGNATED AS "SEWER AND DRAINAGE EASEMENT GRANTED HEREON" AND "DRAINAGE EASEMENT GRANTED HEREON", RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENTS HEREIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY; AND SUBJECT TO THE FOLLOWING CONDITIONS: THE ERECTING OF BUILDINGS, MASONRY WALLS, MASONRY FENCES AND OTHER STRUCTURES; OR THE PLANTING OR GROWING OF TREES OR SHRUBS; OR CHANGING THE SURFACE GRADE; OR THE INSTALLATION OF PRIVATELY OWNED PIPELINES SHALL BE PROHIBITED UNLESS AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO THE MUNICIPAL CODE.

IT IS OUR INTENT TO SUBDIVIDE OUR ENTIRE INTEREST IN THE REAL PROPERTY SHOWN ON THIS MAP WITHIN THE HEAVY BORDER, INCLUDING ANY REVERSION RIGHTS THAT MAY EXIST WITHIN THE ADJOINING PUBLIC RIGHTS-OF-WAY. IT IS NOT OUR INTENT TO ALTER OR SEVER THE LEGITIMATE RIGHTS OF OTHERS WHO MAY HAVE A CLAIM ON THOSE REVERSION RIGHTS THROUGH PRIOR CONVEYANCES.

SAN DIEGO UNIFIED SCHOOL DISTRICT OF SAN DIEGO COUNTY, CALIFORNIA,
A PUBLIC SCHOOL DISTRICT, AS OWNER

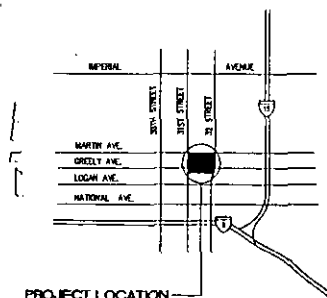
BY: _____
PETER M. IVERSON
INTERIM EXECUTIVE DIRECTOR OF FACILITIES

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

ON _____, BEFORE ME, _____,
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY
APPEARED _____,
PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF
SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S)
IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED
TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/THEIR
AUTHORIZED CAPACITIES, AND THAT BY HIS/HER/THEIR SIGNATURE(S)
ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF
WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE: _____
PRINT NAME: _____
MY COMMISSION EXPIRES: _____
PRINCIPAL PLACE OF BUSINESS IN _____ COUNTY



PROJECT LOCATION

VICINITY MAP
NOT TO SCALE

SIGNATURE OMISSION STATEMENT

THE SIGNATURES OF THE FOLLOWING OWNERS OF EASEMENTS HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (c) (3) (A) (I) OF THE SUBDIVISION MAP ACT, SINCE THEIR INTEREST IS SUCH THAT IT CANNOT RISE INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY.

1. SAN DIEGO GAS & ELECTRIC COMPANY, OWNERS OF UNDERGROUND ELECTRIC FACILITIES EASEMENT, AS DISCLOSED BY DEED RECORDED JULY 10, 2007 AS INSTRUMENT NO. 2007-463409 OF O.R. OF SAN DIEGO COUNTY.
2. COXCOM, INC. d/b/a COX COMMUNICATION SAN DIEGO, OWNERS OF UNDERGROUND TELECOMMUNICATION EQUIPMENT EASEMENT, AS DISCLOSED BY DEED RECORDED JULY 24, 2007 AS INSTRUMENT NO. 2007-493574 OF O.R. OF SAN DIEGO COUNTY.
3. THE CITY OF SAN DIEGO, OWNER OF SEWER AND DRAINAGE EASEMENT, AS DISCLOSED BY DEED RECORDED DECEMBER 10, 1962 AS FILE NO. 62-210344 OF O.R. OF SAN DIEGO COUNTY.
4. THE CITY OF SAN DIEGO, OWNER OF GENERAL UTILITY EASEMENT, AS DISCLOSED BY RESERVATION OF EASEMENT FROM STREET DEDICATION RECORDED APRIL 19, 1963 AS FILE NO. 63-067587 OF O.R. OF SAN DIEGO COUNTY.
5. THE CITY OF SAN DIEGO, OWNER OF RIGHT-OF-WAY FOR UNNAMED ALLEY, AS DISCLOSED BY DEED RECORDED DECEMBER 10, 1962 AS FILE NO. 62-210345 OF O.R. OF SAN DIEGO COUNTY.

THE SIGNATURE OF THE CITY OF SAN DIEGO, OWNER OF RIGHT-OF-WAY FOR STREET PURPOSES AS DEDICATED PER MAP 156, OF SAN DIEGO COUNTY HAS BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (c) (3) (A) (I) OF THE SUBDIVISION MAP ACT, SINCE THEIR INTEREST IS SUCH THAT IT CANNOT RISE INTO A FEE TITLE AND SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY.

NOTES

1. TOTAL NUMBER OF PARCELS = 1
2. TOTAL AREA WITHIN THE PARCEL MAP BOUNDARY IS 7.871 AC.
3. PARCEL MAP GUARANTEE BY: FIRST AMERICAN TITLE CO., ORDER NO. DIV-1421549--06

CITY CLERK'S CERTIFICATE

I, ELIZABETH MALAND, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, DO HEREBY CERTIFY THAT, BY RESOLUTION NO. _____ THE COUNCIL OF SAID CITY HAS APPROVED THIS PARCEL MAP, INCLUDING THE VACATION OF GREELY STREET, AND ABANDONMENT OF THE EASEMENTS AS INDICATED HEREON PURSUANT TO SECTION 66445(d) OF THE SUBDIVISION MAP ACT, AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE, SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN.

IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS SEAL THIS _____ DAY OF _____, 20____.

ELIZABETH MALAND
CITY CLERK BY: _____ DEPUTY

CLERK OF THE BOARD OF SUPERVISORS

I, THOMAS J. PASTUSZKA, CLERK OF THE BOARD OF SUPERVISORS, OF THE COUNTY OF SAN DIEGO, CALIFORNIA, DO HEREBY CERTIFY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AS AMENDED) REGARDING (a) DEPOSITS OF TAXES AND (b) CERTIFICATION OF THE ABSENCE OF LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH FOR THE PROPERTY WITHIN THE SUBDIVISION.

THOMAS J. PASTUSZKA
CLERK OF THE BOARD OF SUPERVISORS

BY: _____ DEPUTY
DATED: _____

PARCEL MAP

BEING A CONSOLIDATION OF LOTS 1 THRU 18 INCLUSIVE, AND 25 THRU 48 INCLUSIVE IN BLOCK 339, AND A PORTION OF LOTS 1 AND 2, AND LOTS 3 THRU 24 INCLUSIVE IN BLOCK 339 ALL OF CHOCATES ADDITION, ACCORDING TO MAP THEREOF NO. 156; AND THE UNNUMBERED LOTS LYING NORTHERLY OF THE ALLEY IN BLOCK 44 OF WHITNEY'S ADDITION, ACCORDING TO THE MAP THEREOF NO. 168; TOGETHER WITH PORTIONS OF THE UNNAMED ALLEY IN SAID BLOCK 44, GREELY AVENUE, 31ST STREET, 32ND STREET, AND MARTIN AVENUE AS DEDICATED TO PUBLIC USE; TOGETHER WITH THE UNNAMED ALLEY IN BLOCK 338 OF MAP 156 AS CLOSED AND VACATED TO PUBLIC USE; ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

THAT PORTION OF GREELY AVENUE DEDICATED PER MAP NO. 156; THE SEWER EASEMENT GRANTED PER DOCUMENT REC. NOV. 18, 1912 IN BOOK 587, PAGE 59 OF DEEDS; THE SEWER EASEMENT GRANTED PER DOCUMENT REC. NOV. 16, 1912, IN BOOK 587, PAGE 60 OF DEEDS; THE DRAINAGE EASEMENT GRANTED PER DOCUMENT REC. JUNE 20, 1929, IN BOOK 1834, PAGE 44 OF DEEDS; THE SEWER EASEMENT GRANTED PER DOCUMENT REC. JULY 10, 1945, IN BOOK 1904, PAGE 283 OF DEEDS; THE SEWER EASEMENT GRANTED PER DOCUMENT REC. MARCH 17, 1947, IN BOOK 2371, PAGE 72 OF DEEDS; A PORTION OF THE SEWER AND DRAINAGE EASEMENT GRANTED PER DOCUMENT REC. DEC. 10, 1962 AS FILE NO. 62-210344 O.R.; A PORTION OF THE PUBLIC UTILITIES EASEMENT RESERVED BY STREET VACATION PER DEC. REC. APRIL 19, 1963 AS FILE NO. 63-067587 O.R.; AND THE SEWER EASEMENT GRANTED PER DOCUMENT REC. MARCH 20, 1947 AS INSTRUMENT 30689 O.R.; ARE VACATED PURSUANT TO SECTION 66445 (d) OF THE SUBDIVISION MAP ACT.

SURVEYOR'S CERTIFICATE

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE SAN DIEGO UNIFIED SCHOOL DISTRICT ON MAY 13, 2003. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I WILL SET ALL MONUMENTS OF THE CHARACTER, AND AT POSITIONS INDICATED BY THE LEGEND IN THIS MAP WITHIN TWO YEARS OF THE RECORDATION OF THIS MAP UNLESS EXTENDED BY THE CITY ENGINEER AND ALL SUCH MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. (SEE LEGEND ON SHEET 3)

BY: _____
MARY M. ACOSTA, P.L.S. 6664
MY REGISTRATION EXPIRES: 06/30/2008

CITY ENGINEER'S CERTIFICATE

I HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND ANY APPROVED ALTERATIONS THEREOF; THAT IT COMPLES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND THAT IT IS TECHNICALLY CORRECT.

AFSHIN OSKOLU
CITY ENGINEER

BY: _____ DATE: _____
ANNIE L. HOPPE, DEPUTY
P.L.S. 7196

RECORDER'S CERTIFICATE

FILE NO. _____
FILED THIS _____ DAY OF _____, AT _____, IN BOOK OF PARCEL MAPS
AT PAGE _____ AT THE REQUEST OF MARY M. ACOSTA

DAN MCALLISTER
COUNTY RECORDER BY: _____ DEPUTY COUNTY RECORDER

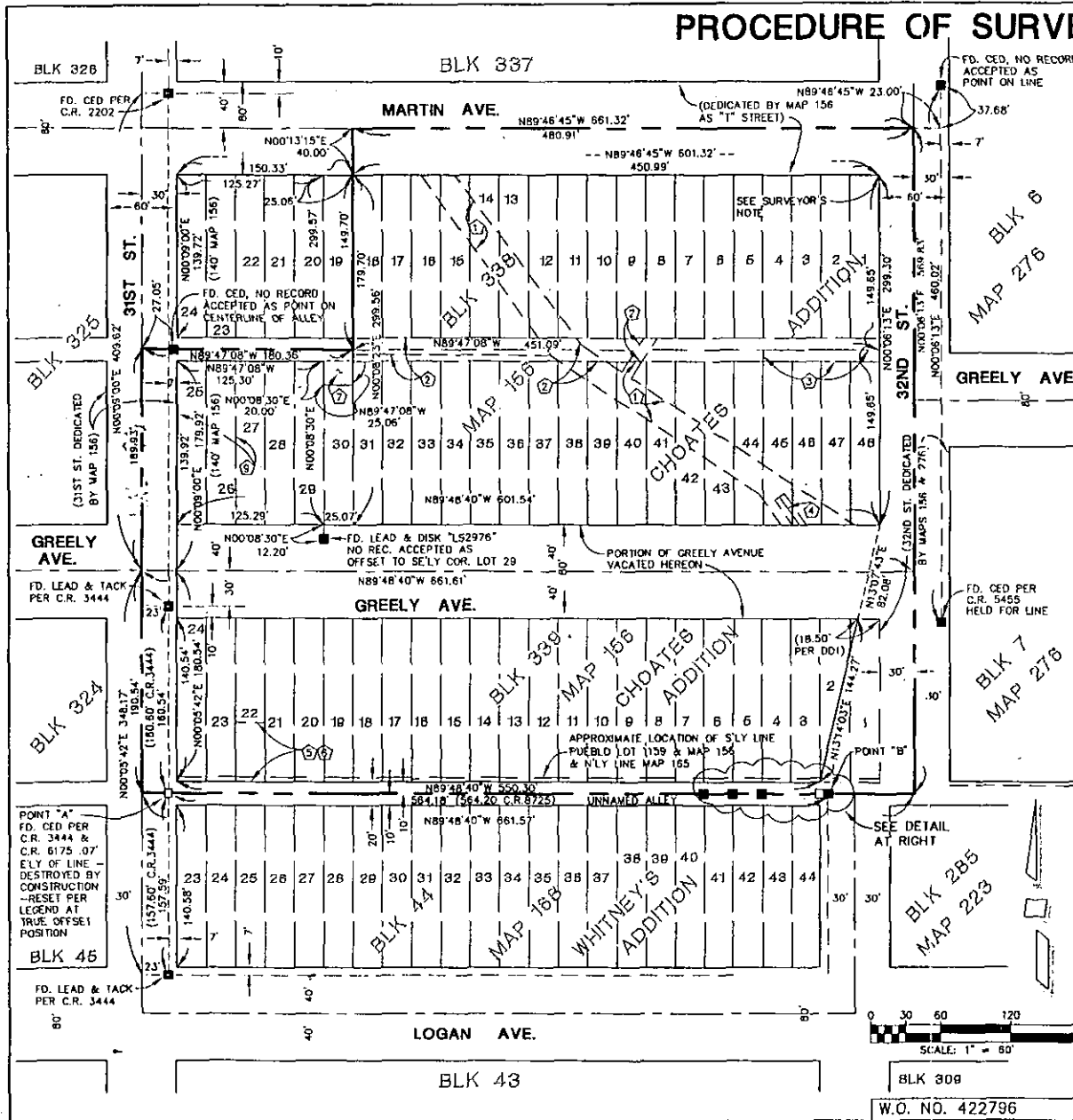
FEE: \$12

W.O. NO. 422796 NAD 83C 1834-6291 P.T.S. NO. 8346 L.C. 194-1725

PARCEL MAP NO.

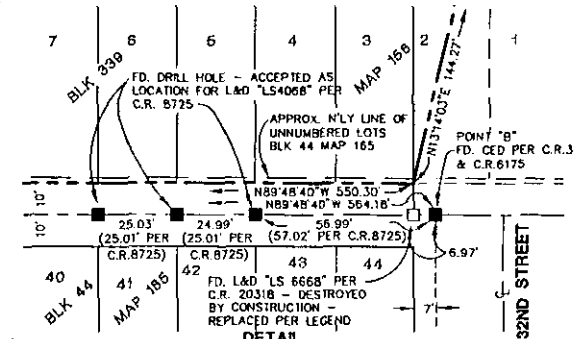
PROCEDURE OF SURVEY

SHEET 2 OF 3 SHEETS



SURVEYOR'S NOTE

DUE TO THE LACK OF MONUMENTATION ALONG MARTIN AVENUE AND THE SURROUNDING VICINITY, THE NORTHEASTERLY CORNER OF BLOCK 338 HAS BEEN RE-ESTABLISHED AT A DISTANCE OF 40' FEET FROM THE CENTERLINE BETWEEN THE EXISTING CURB IMPROVEMENTS IN MARTIN AVENUE. IT IS THE SURVEYOR'S OPINION THAT SAID IMPROVEMENTS ARE THE BEST REPRESENTATION OF THE LOCATION OF THE ORIGINAL CENTERLINE OF THE STREET RIGHT OF WAY ALONG THE NORTHERLY LINE OF BLOCK 338.



EASEMENTS

- EXISTING SEWER AND DRAINAGE EASEMENT GRANTED TO CITY OF SAN DIEGO PER DOC. REC. DEC. 10, 1982 AS FILE NO. 62-210344 O.R., A PORTION OF WHICH IS VACATED HEREON.
- EXISTING GENERAL UTILITY EASEMENT RESERVED BY STREET VACATION PER DOC. REC. APRIL 19, 1963 AS FILE NO. 63-067587 O.R., A PORTION OF WHICH IS VACATED HEREON.
- EXISTING SEWER EASEMENT GRANTED TO CITY OF SAN DIEGO FOR PRIVATE SEWER LATERAL PER DOC. REC. NOV. 16, 1912, IN BOOK 587, PAGE 60 OF DEEDS, VACATED HEREON.
- EXISTING DRAINAGE EASEMENT GRANTED TO CITY OF SAN DIEGO PER DOC. REC. JUNE 20, 1929 IN BOOK 1654, PAGE 44, O.R., VACATED HEREON.
- EXISTING SEWER EASEMENT GRANTED TO CITY OF SAN DIEGO FOR PRIVATE SEWER LATERAL PER DOC. REC. MARCH 20, 1947, IN BOOK 2371, PAGE 72 O.R., VACATED HEREON.
- EXISTING SEWER EASEMENT GRANTED TO CITY OF SAN DIEGO PER DOC. REC. MARCH 20, 1947 AS INSTRUMENT 30689 O.R., VACATED HEREON.
- PORTION OF UNNAMED ALLEY DEDICATED PER DOC. REC. DEC. 10, 1982 AS DOC. 62-210345 O.R.
- EXISTING SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOC. REC. NOV. 16, 1912 IN BOOK 587 OF DEEDS, PAGE 60 (AFFECTS LOTS 11 THRU 14 AND 39 THRU 43 BLOCK 338) HAS NO LOCATION AND CANNOT BE PLOTTED ON THIS MAP. VACATED HEREON.
- EXISTING EASEMENT GRANTED TO THE CITY OF SAN DIEGO FOR PRIVATE SEWER LATERAL PER DOC. REC. JULY 10, 1945 IN BOOK 1904, PAGE 283 O.R., (AFFECTS LOTS 25 THRU 28 BLOCK 338). VACATED HEREON.
- EXISTING EASEMENT TO SAN DIEGO GAS & ELECTRIC FOR UNDERGROUND ELECTRIC FACILITIES PER DOC. REC. JULY 10, 2007 AS INSTRUMENT 2007-0463409 O.R. (AFFECTS LOTS 25 AND 28 BLOCK 338) IS A GENERAL EASEMENT AND CANNOT BE PLOTTED ON THIS MAP.
- EXISTING EASEMENT TO COXCOM, INC. D/B/A COX COMMUNICATION SAN DIEGO FOR UNDERGROUND TELECOMMUNICATION EQUIPMENT PER DOC. REC. JULY 24, 2007 AS INSTRUMENT 2007-0493574 O.R. (AFFECTS LOTS 25 AND 28 BLOCK 338) IS A GENERAL EASEMENT AND CANNOT BE PLOTTED ON THIS MAP.

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM ZONE 6, EPOCH 91.35 AND IS DETERMINED BY STATIC G.P.S. MEASUREMENTS TAKEN ON MAY 15, 2003 AT POINTS "A" AND "B" AS SHOWN HEREON. THE POINTS WERE ADJUSTED TO G.P.S. STATION #176 AND AND G.P.S. STATION #177 PER RODS 14492. I.e. A-B N 89°48'40" W.

QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

THE COMBINED GRID FACTOR AT STATION "A" IS 1.00001762.
GRID DISTANCE = GROUND DISTANCE X COMBINED GRID FACTOR.

POINT "A" = N 1,834,710.080 E 6,291,786.156
CONVERGENCE ANGLE = -078°55'41"
COMBINED FACTOR = 1.00001762

POINT "B" = N 1,834,708.222 E 6,292,350.331

PSOMAS
4400 HILLCREST BLVD. SUITE 100
SAN DIEGO, CA 92130-1000

W.O. NO. 422796

NAD 83C 1834-6291

P.T.S. NO. 8346

L.C. 194-1725

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION APPROVING THE VACATION OF GREELY
AVENUE BETWEEN 31ST STREET AND 32ND STREET,
VACATION OF SEWER, DRAINAGE AND GENERAL
UTILITY EASEMENTS, AND ASSOCIATED PARCEL MAP.

WHEREAS, San Diego Municipal Code Section 125.0910 provides that a public right-of-way may be summarily vacated by City Council resolution where the public right-of-way to be vacated is excess and is not required for street or highway purposes; and

WHEREAS, a portion of Greely Avenue, between 31st Street and 32nd Street, is excess right-of-way and is not required for street purposes; and

WHEREAS, San Diego Municipal Code section 125.1010 provides that a public service easement or other easement may be summarily abandoned if it does not contain public utility facilities, or does not contain active public utility facilities that would be affected by the abandonment, or the easement has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the sewer, drainage, and general utility easements, identified on Vacation L.C. 194-1725, NAD 83C 1834-6291, on file in the office of the City Clerk as Document No. RR-_____, do not contain active public utilities that would be affected by the relocation; and

WHEREAS, Subdivision Map Act Section 66445(j) provides a procedure for the abandonment of public easements, such that the filing of a parcel map shall constitute an abandonment of all public streets and easements not shown on the map; and

WHEREAS, the affected property owner has requested the vacation of the public street easement to unencumber this property; and

WHEREAS, this activity is adequately addressed under Final Edison/Hamilton/Parks Area Elementary School Environmental Impact Report SCH No. 2000101040, dated October 2002, certified by the Board of Education on April 13, 2004, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on _____, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego [Council], that the Council finds that on that certain map surveyed by Mary Acosta, licensed Land Surveyor, titled "Parcel Map W.O. No. 422796" [MAP], being a lot consolidation of Lots 1 to 18 inclusive, and 25 to 48 inclusive, in block 338, and a portion of lots 1 and 2, and lots 3 to 24 inclusive, in block 339, all of Choates addition, according to map thereof No. 156; and the unnumbered lots lying northerly of the alley in Block 44 of Whitney's addition, according to the map thereof No. 168; together with portions of the unnamed alley in said Block 44, Greely Avenue, 31st Street, 32nd Street, and Martin Avenue as dedicated to public use; together with the unnamed alley in Block 338 of

Map 156 as closed and vacated to public use; all in the City of San Diego, County of San Diego, State of California; and

BE IT FURTHER RESOLVED, that those portions of Greely Avenue dedicated per Map No. 156; the sewer easement granted per document recorded Nov. 16, 1912 in Book 587, Page 59 of deeds; the sewer easement granted per document recorded Nov. 16, 1912 in Book 587, Page 60 of deeds; the drainage easement granted per document recorded June 20, 1929, in Book 1654, Page 44 O.R.; the sewer easement granted per document recorded July 10, 1945, in Book 1904, Page 283 O.R.; the sewer easement granted per document recorded March 20, 1947, in Book 2371, Page 72 O.R.; a portion of the sewer and drainage easement granted per document recorded December 10, 1962 as File No. 62-210344 O.R.; a portion of the public utilities easement reserved by street vacation per document recorded April 19, 1963 as file No. 63-067587 O.R.; and the sewer easement granted per document recorded March 20, 1947 as instrument 30669 O. R.; are not shown within this map because they have been vacated pursuant to Section 66445(j) of the Subdivision Map Act.

BE IT FURTHER RESOLVED, that Parcel Map W.O. No. 422796 is approved.

BE IT FURTHER RESOLVED, that the Council finds, with respect to abandonment of the easements:

1. that there is no present or prospective public use for the easements, either for the facility or purpose for which they were originally acquired or for any other public use of a like nature;
2. that the public will benefit from the action through improved utilization of the land made available by the abandonment;
3. that the abandonment is consistent with all applicable land use plans;

4. that the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easements were acquired no longer exist.

BE IT FURTHER RESOLVED, that the Council finds, with respect to the vacation of the public right-of-way:

1. that there is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated;
2. that the public will benefit from the action through improved use of the land made available by the vacation;
3. that the vacation does not adversely affect any applicable land use plan; and
4. that the purpose for which the public right-of-way were originally acquired will not be detrimentally affected by this vacation.

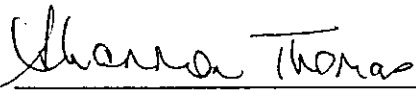
BE IT FURTHER RESOLVED, that the improvements required of this project shall be assured, by permit and bond, including but not limited to: improving all street frontages with curb, gutter, and sidewalk; upgrading the onsite public storm drainage system; closing all previous street openings; and closing all non-utilized driveways with curb, gutter, and sidewalk as more particularly shown on City of San Diego Improvement Plans 33104-D (JO 42-2796).

BE IT FURTHER RESOLVED, that the improvements required of this project shall be completed to the satisfaction of the City Engineer.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of this resolution, and Document No. RR-_____, attested by her under seal, to be recorded in the office of the County Recorder.

BE IT FURTHER RESOLVED, that the prior environmental documents adequately cover this activity as part of the previously approved project, and therefore, the activity is not a separate project for purpose of California Environmental Quality Act [CEQA] review, per CEQA Guidelines Sections 15060(c)(3) and 15378(c).

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon Thomas
Deputy City Attorney

ARW::ST:mm:pev
10/24/08
02/13/09 COR.COPY
Or.Dept:DSD
R-2008-148
MMS #6625